

REMARKS

This is in response to the Office Action mailed on November 3, 2004. In that Office Action, the Examiner rejected claims 1-11. With this Amendment, claims 1, 2, 5, 7, 8 and 11 are hereby amended. Claims 12-38 are hereby cancelled. The application now contains claims 1-11.

In the Office Action, the Examiner discussed the restriction requirement that Applicant's attorney Nickolas E. Westman provisionally made during a telephone conversation with the Examiner. The Examiner requests that Applicant make an affirmation of this selection. Applicant hereby affirms the election of Group 1, claims 1-11. Applicant further cancels claims 12-20 reserving the right to pursue these claims in a divisional application when appropriate.

The Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Examiner alleged that claim 1 was not clear if there was an outer layer other than the backing layer over the one or more intermediate layers because an intermediate layer requires at least two outer layers. Claim 1 has been amended to eliminate the word "intermediate" and now recites "one or more layers disposed on one side of the backing". In addition, claims 2, 5, 8 and 11 have also had the word "intermediate" eliminated. It is believed that this amendment obviates the Examiner's rejection and that these claims now meet the standards of 35 U.S.C. § 112 second paragraph.

In addition, the Examiner noted that claim 7 did not depend from any claim. Claim 7 has been amended to depend from claim 2.

Also the Examiner noted that claim 7 contained a trademark, specifically Isophthallic/Neopentyl Glycol. Isophthallic/Neopentyl Glycol is not a trademark. The use of the designation "TM" in the claim was a typographical error which has been eliminated. Isophthallic/Neopentyl Glycol is a "common name" as used in chemical nomenclature. The


Examiner's attention is drawn to page 17, very first paragraph of the instant application in which Isopthallic/Neopentyl Glycol is used as a "common name".

In view of the above, it is believed that the claims are now in condition for allowance. It is noted, that the Examiner did not reject any of the claims over the cited prior art. Reconsideration and allowance of all of the claims are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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